

REMARKS

Claims 1-28 are now pending in the application. The Examiner is further respectfully requested to reconsider the requirement to elect a single species for prosecution in view of the amendments and remarks contained herein.

ELECTION/RESTRICTIONS

In the Office Action mailed August 25, 2004, the Examiner noted the reply filed on June 14, 2004 was not fully responsive to the prior Office Action because "All the original claims are marked with status identifier "(original)"; however, the withdrawn claims must be marked."

In response to the above, Applicant has changed the status identifier of non-provisionally elected Claims 7-8 and 15-22 to "(withdrawn)". Because Claims 24-28 were added in the previously filed preliminary amendment, the status identifier of Claims 24-28 has been changed herein to "(previously presented)". Applicant notes the change to status identifiers for Claims 7-8 and 15-22 is made herein with traverse, because Applicant's response filed on June 14, 2004 made a provisional election of species with traverse, and the Examiner has not made a final determination of the status of Claims 7-8, 15-22, or 24-28 with respect to the requirement for restriction, per 37 C.F.R. 1.142(b).

For completeness, the following paragraphs generally repeat the response to the restriction requirement filed on June 14, 2004:

The Examiner noted election of a single species for prosecution on the merits is required under 35 U.S.C. §121. Per the Examiner, the application contains claims directed to three patentably distinct species of the claimed invention. The first species is

directed to a fastener for engaging substructure without adhesive or settable material, Figures 1-4. The second species is directed to a fastener with retainer for engaging substructure having adhesive or settable material, Figures 5-9. The third species is directed to a fastener with "rib-like" projections and retainer for engaging substructure having adhesive or settable material, Figures 10-11. Applicant provisionally elects the second species directed to Figures 5-9, with traverse. Claims 1-6, 9-14 and 23, as well as previously presented Claims 24-28 read on this species.

The Examiner is respectfully requested to reconsider her restriction requirement with respect to the present application because it is believed that it would not produce a serious burden upon the Examiner to maintain at least the species of Figures 10-11 (having Claims 7-8 readable thereon) together with the provisionally elected species of Figures 5-9, because both have the common feature of an adhesive, therefore searches for both should encompass the same class(es). (See MPEP §803.)

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 1, 2004

By: 

Monte L. Falcoff
Reg. No. 37,617
Thomas J. Krul
Reg. No. 46,842

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MLF/TJK/cg